

McCURDY & FULLER LLP
4300 Bohannon Drive, Suite 240
Menlo Park, CA 94025
(650) 618-3500

1 KEVIN G. McCURDY (SBN 115083)
2 MARY P. McCURDY (SBN 116812)
3 McCURDY & FULLER LLP
4 4300 Bohannon Drive, Suite 240
5 Menlo Park, CA 94025
6 Telephone: (650) 618-3500
7 Facsimile: (650) 618-3599
8 E-mail: kevin.mccurdy@mccurdylawyers.com
9 E-mail: mary.mccurdy@mccurdylawyers.com

10 Attorneys for Defendant
11 THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 INTEL CORPORATION, a Delaware
15 Corporation,

16 Plaintiff,

17 v.

18 THE INSURANCE COMPANY OF THE
19 STATE OF PENNSYLVANIA, a
20 Pennsylvania Corporation, and DOES 1
21 through 100, inclusive

22 Defendant.

CASE NO. C08 03238 JF

STIPULATION AND ORDER
REGARDING AMENDMENT OF
ANSWER

23 The undersigned counsel for plaintiff Intel Corporation ("Intel") and defendant The
24 Insurance Company of the State of Pennsylvania ("ICSOP") stipulate as follows:

25 1. ICSOP may amend its answer in this action to assert an affirmative defense
26 regarding arbitration of disputes over the appropriate rate to be paid to attorneys representing Intel
27 in the underlying actions for which coverage is sought.

28 2. ICSOP may file the attached amendment to answer asserting this affirmative
defense.

1 Dated: ^{November}~~October~~ 6, 2008

McCURDY & FULLER LLP

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4 By Kevin G. McCurdy
KEVIN G. McCURDY
Attorneys for Defendant
THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA

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7 Dated: October __, 2008

HOWREY LLP

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9
10 By _____
LESTER O. BROWN
FIONA A. CHANEY
Attorneys for Plaintiff
INTEL CORPORATION

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14 IT IS SO ORDERED

15 DATED: 11/10/08

16 Jeremy Fogel
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES
DISTRICT COURT

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KEVIN G. McCURDY
Attorneys for Defendant
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STATE OF PENNSYLVANIA

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LESTER O. BROWN
FIONA A. CHANEY
Attorneys for Plaintiff
INTEL CORPORATION

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16 DATED: _____

HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES
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6 Telephone: (650) 618-3500
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18 THE INSURANCE COMPANY OF THE
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20 Pennsylvania Corporation, and DOES 1
21 through 100, inclusive

22 Defendant.

CASE NO. C08 03238 JF

AMENDMENT TO ANSWER OF
DEFENDANT THE INSURANCE
COMPANY OF THE STATE OF
PENNSYLVANIA

23 Defendant The Insurance Company of the State of Pennsylvania ("ICSOP") amends its
24 answer, which was filed in this action on or about July 3, 2008 in the Superior Court for the
25 County of Santa Clara, by adding the following affirmative defense:

26 **TWENTY SECOND AFFIRMATIVE DEFENSE**

27 ICSOP alleges that any dispute over the rates to be paid to attorneys defending Intel in the
28 underlying actions must be resolved by arbitration as required under the ICSOP policy at issue in
this action.

1 Dated: October __, 2008

McCURDY & FULLER LLP

4 By _____

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